IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 1270 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KAUSHIKBHAI NANKUBHAI HUDAD - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR ASHISH M DAGLI for Applicant(s) : 1,
MR MR MENGDEY, APP for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 22/10/2007

ORAL JUDGMENT

The petitioner is the original accused who seeks quashing of a criminal complaint bearing CR No.II-3163 filed before Jetpur Police Station by respondent

No.2 herein on 8.12.2006. In the complaint, it is stated, inter alia, that on the date of the incident i.e. on 8.12.2006, the accused had gone to his agricultural land which was the subject matter of some civil dispute and found that the accused had ploughed the land. The accused told the complainant that he dare not step on the land and also abused the complainant. When the complainant asked him not to use bad words, the accused gave one stick blow on his leg and also ran after the complainant upon which complainant ran away from the place.

2. From the perusal of the petition and the accompanying documents and upon hearing the learned advocate Shri Dagli for the petitioner and learned APP Shri Mengdey, it would appear that there was some civil disputes between the parties with respect to the land in question. Advocate for the petitioner produced on record an affidavit dated 22.3.2007 filed by the complainant in which he has clearly stated that with the intervention of respectable members of the community, the issues have been amicably settled between the parties and the complainant agrees to withdraw the compliant filed by him. The affidavit further records the statement of the complainant that he would also request the High Court to dispose of the present petition in terms of the compromise.

3. Having considered the nature of the allegations made in the complaint and the contents of the affidavit of respondent No.2, I find that no

useful purpose will be served in keeping the criminal case alive.

4. In the result, complaint No.CR-II-3163/06 filed before Jetpur Police Station is quashed. Rule is made absolute.

(Akil Kureshi, J.)

(vjn)